



Energy Resource Appeal Tribunal

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Closing Statements

Closing statements are given at the end of an oral hearing, after all parties (and any interveners allowed to do so) have presented their evidence. It is a chance to explain to the Energy Resource Appeal Tribunal (the “Tribunal”), what evidence you think it should find persuasive, and what it should do about the appeal, based on the evidence. You will provide your closing statements to the panel for your appeal—either one or three members of the Tribunal, and particularly to the Panel Chair, the one member who has been assigned to ensure the appeal is heard fairly and efficiently.

Once all the evidence has been presented at an oral hearing, the Panel Chair will ask for “closing statements.” These can also be called closing submissions or closing arguments. This is the final opportunity for those involved to explain their case and convince the Panel that their position is correct.

Order of presentation

The parties will normally be asked to present their closing statements in the following order:

- (1) appellant,
- (2) respondent,
- (3) third party (if any),
- (4) intervener (if any), then
- (5) reply by appellant.

Purpose of closing statements

In your closing statements, you should:

- summarize your case;
- explain why you think the Panel should rely on evidence that supports your case;
- explain why the Panel should not rely on evidence that does not support your case;

- identify any legal principles or authorities that support your case; and
- clearly state how you want the Panel to decide the appeal.

Further information on evidence can be found in the Information Sheet, "[Evidence](#)".

Preparing a closing statement

Closing statements are harder to prepare before the hearing than opening statements because you will not know how the evidence will be presented during the hearing. You cannot fully prepare a closing statement or follow an exact script. However, these points may help you make an effective closing statement:

- Have an outline of your closing statement before the hearing takes place. List the main points or arguments you intend to make. During the hearing, list the evidence under each point that it supports (one piece of evidence may support more than one point).
- At the start of your closing statement, state your basic position on the appeal. For example, you could say "I am arguing that the decision under appeal should be changed." Summarize your reasons why.
- Next, go through each of your points and explain how the evidence from the hearing proves it. For example, you might say, "I have shown that there is enough water for a water licence. The water manager testified that measurements she took show that...".
- Explain why your opponent's version of events is incorrect. Explain why the Panel should not rely on the evidence that supports your opponent's case.
- Discuss any legal authorities, such as previous court decisions, Tribunal decisions, or legislation. Explain why the Panel should rely on your authorities, and not on the authorities of your opponent. For example, you might say that your opponent's authorities do not apply or any cases they refer to are unlike the circumstances of the appeal.
- Repeat what you would like the Tribunal to order. You might suggest alternatives for the Panel to consider when making its decision, if the evidence presented in the hearing supports more than one outcome you would ask for.

You cannot provide evidence in the closing statement. The Information Sheet, "[Evidence](#)", explains the difference between arguments and evidence.

Written closing statements

The Panel may decide to receive closing statements in writing, if the parties can fairly make their case in this way. Statements will be provided in the same order as for an oral hearing, with each given enough time to reasonably prepare their statements.